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| 21 | UNITED STATES DISTRICT COURT | |
| | FOR THE NORTHERN DISTRICT OF CALIFORNIA | |
| 22 | SIERRA CLUB, | |
| 23 | | |
| 24 | Plaintiff,) v. | Case No. 3:08-cv-04248-SC |
| 25 | , , | STIPULATED REQUEST AND |
| 26 | UNITED STATES DEPARTMENT OF A CRICHITUDE AND | [PROPOSED] ORDER TO EXTEND |
| | OF AGRICULTURE, AND RURAL UTILITIES SERVICE, | THE BRIEFING SCHEDULE BY SIXTY (60) DAYS |
| 27 | | |
| 28 | Defendants) | |
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1 JAMES GOLDBERG, CAL. BAR NO. 107990 DEBORAH A. GOLDFARB CAL. BAR No. 291942 Bryan Cave LLP Two Embarcadero Center, Suite 1410 3 Telephone: (415)675-3400 4 Facsimile (415)675-3434 Email: james.goldberg@bryancave.com 5 Email: deborah.goldfarb@bryancave.com Attorneys for Intervening Defendants Brazos Electric 6 Power Cooperative, Inc. and East Kentucky Power 7 Cooperative, Inc. 8 9 Whereas, this case involves several requests by Plaintiff, SIERRA CLUB, for records in the 10 custody or control of Federal Defendants, U.S. DEPARTMENT OF AGRICULTURE and RURAL 11 UTILITIES SERVICE, pursuant to the Freedom of Information Act; and 12 Whereas, on or around September 25, 2009, Federal Defendants provided responsive records 13 and Vaughn Indices for withholdings; and 14 Whereas, Plaintiff completed review of responsive records and Vaughn Indices on or around 15 October 23, 2009, resulting in a settlement proposal to Federal Defendants on October 27, 2009; and 16 17 Whereas, the Court's current Scheduling Order (D.E. 57) requires Federal Defendants and 18 Intervenor-Defendants to file motions for summary judgment on November 13, 2009; and 19 Whereas, in light of the schedule and Plaintiff's recent settlement proposal, Plaintiff, Federal 20 Defendants, and Intervenor-Defendants (collectively the "Parties"), have conferred and agree that, in 21 an effort to promote judicial efficiency, the current briefing schedule be extended by sixty days to 22 determine whether the remaining issue in the case can be resolved without further litigation. Counsel 23 for Plaintiff represents that he obtained the dates below from the Court's clerk. 24 25 /// 26 /// 27 STIPULATED REQUEST TO EXTEND 28 BRIEFING SCHEDULE BY SIXTY DAYS - 2

1 IT IS HEREBY AGREED AND THE PARTIES STIPULATE, subject to the Court's 2 approval, that the briefing schedule be extended by approximately sixty days, resulting in the revised 3 schedule as follows: 4 (a) January 19, 2010 Last day for Defendant and/or Intervenor(s) to file a motion 5 for summary judgment. 6 Last day for Plaintiff to file opposition to any motion for (b) February 9, 2010 summary judgment filed by Defendant and/or Intervenor(s) 7 and last day for Plaintiff to file any cross-motion for 8 summary judgment. 9 (c) March 1, 2010 Last day for Defendant and/or Intervenor(s) to file reply in support of any motion for summary judgment and last day 10 for Defendant and/or Intervenor(s) to file opposition to any 11 motion for summary judgment filed by Plaintiff. /// 12 13 /// 14 /// 15 16 /// 17 18 /// 19 /// 20 21 22 23 /// 24 25 /// 26 27 STIPULATED REQUEST TO EXTEND BRIEFING SCHEDULE BY SIXTY DAYS - 3 28

Case 3:08-cv-04248-SC Document 59 Filed 10/30/09 Page 4 of 4 1 Last day for Plaintiff to file reply in support of its crossmotion (d) March 19, 2010 for summary judgment. 2 Hearing on summary judgment motions. (e) April 16, 2010 3 4 Respectfully submitted, 5 /s/ William S. Eubanks II 6 WILLIAM S. EUBANKS II, N.C. BAR NO. 36743 HOWARD M. CRYSTAL, D.C. BAR. No. 446189 7 Pro hac vice 8 /s/ Kristin Henry 9 Kristin Henry, Cal. Bar No. 220908 Sierra Club 10 85 2nd Street, 2nd Floor San Francisco, CA 94105 11 (415) 977-5716, (415) 977-5793 fax Kristin.Henry@sierraclub.org 12 Attorneys for Plaintiff Sierra Club 13 /s/ Michael T. Pyle MICHAEL T. PYLE, CAL. BAR No. 172954 14 Attorney for Federal Defendants 15 16 /s/ James Goldberg JAMES GOLDBERG, CAL. BAR NO. 107990 17 DEBORAH A. GOLDFARB CAL. BAR No. 291942 Attorneys for Intervenor-Defendants 18 19 PURSUANT TO STIPULATION, IT IS SO ORDERED: 20 21 Date: October 30, 2009 22 23 Uni Mdge 24 25 26 27 STIPULATED REQUEST TO EXTEND 28 BRIEFING SCHEDULE BY SIXTY DAYS - 4